

ORDINANCE NO. 23-196

AN ORDINANCE AMENDING PART THIRTEEN (BUILDING CODE), TITLE FIVE (ADDITIONAL LOCAL PROVISIONS), CHAPTER 1359 (DOWNTOWN DESIGN REVIEW PROCESS) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, the City Commission amended the Planning and Zoning Code with the adoption of new Chapter 1161 (Landmark Preservation) by Ordinance No. 15-161, passed on November 23, 2015, to establish the Landmark Commission, their duties and procedures, and the process of granting Certificates of Appropriateness for changes to the exterior of structures on the National Register of Historic Places or within a Historic District; and

WHEREAS, the Landmark Commission uses the Sandusky Preservation Design Guidelines to review cases for appropriate changes according to the guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties; and

WHEREAS, the current Sandusky Preservation Design Guidelines were developed in 2007 for use with Chapter 1359 (Downtown Design Review Process), which was adopted in 1998 and the guidelines have not been updated since the creation of Chapter 1161 (Landmark Preservation), and therefore contain conflicting and inaccurate direction for applicants seeking a Certificate of Appropriateness to make improvements to downtown and historic buildings; and

WHEREAS, in February of 2022, the City applied to the Ohio History Connection for a Certified Local Government Grant through the State Historic Preservation Office to update the Sandusky Preservation Design guidelines and subsequently, this City Commission accepted funds in the amount of \$18,800.00 by Ordinance No. 22-136, passed on July 25, 2022; and

WHEREAS, this City Commission authorized an Agreement for Professional Services with Designing Local, LTD, of Columbus, Ohio, for the Sandusky Preservation Design Guidelines Update Project by Ordinance No. 23-010-passed on January 23, 2023; and

WHEREAS, the proposed amendments to Chapter 1359 are to eliminate the inconsistencies within the Chapter in preparation for the updated Preservation Design Guidelines to be adopted; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Part Thirteen (Building Code), Title Five (Additional Local Provisions), Chapter 1359 (Downtown Design Review Process) of the Codified Ordinances of the City of Sandusky be amended as follows:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

CHAPTER 1359 Downtown Design Review Process

- 1359.01 Establishment of ~~Downtown Design Review Committee~~ **Landmark Commission as the Advisory Body for Downtown Design Review.**
- 1359.02 Purpose. 1359.03 Definitions.
- 1359.04 Downtown Design Review District boundaries.
- ~~1359.05 Members; terms; compensation.~~
- 1359.065 ~~Organization, rules and~~ Design guidelines.
- 1359.076 Duties of the ~~Review Committee~~ **Landmark Commission for Downtown Design Review.**
- ~~1359.087~~ Limitations on issuance of building permits, sign permits and certificates of zoning compliance.
- 1359.098 Issuance of certificates of appropriateness.
- ~~1359.109~~ Criteria for evaluating applications for certificates of appropriateness.
- ~~1359.104~~ Limitations on landscaping.
- ~~1359.112~~ Existing sign limitations.
- ~~1359.123~~ Certificate of appropriateness required for new signs.
- ~~1359.134~~ Exclusions.
- 1359.145 **Enforcement, penalties, and appeals.** ~~Inspection and order for removal of violation.~~
- ~~1359.16~~ ~~Appeal from decision of the Review Committee.~~
- ~~1359.99~~ ~~Penalty.~~

1359.01 ESTABLISHMENT OF ~~DOWNTOWN DESIGN REVIEW COMMITTEE~~ LANDMARK COMMISSION AS THE ADVISORY BODY FOR DOWNTOWN DESIGN REVIEW.

In recognition of the need for the establishment of a public advisory committee to advise upon the changes to structures and objects in the Downtown Design Review District when staff of the Community Development Department cannot resolve problems with applications for Certificates of Appropriateness, the ~~Downtown Design Review Committee is hereby established to replace the original Downtown Design Review Board. This committee~~ **Landmark Commission (as defined in Chapter 1161) is hereby established as the advisory body. The Landmark Commission** will be available for special meetings, as needed, to be called by the Community Development Department. (~~Ord. 98-197. Passed 8-10-98.~~)

1359.02 PURPOSE.

The City Commission, being mindful of the proud history of this community and of the importance of beauty in the everyday lives of our citizens, declares as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of our community are matters of public necessity involving the health, safety, prosperity and welfare of the people. In the last decade, the importance of assisting private property owners in creating a cohesive and attractively designed downtown area has been impressed upon the public sector. The economic health of an area is reflected by the appearance of the "heart" of that area, its downtown. Therefore, the purpose of this chapter is to:

- (a) Maintain and enhance the distinctive character of the Downtown by safeguarding the architectural integrity of the various period structures within it, and to prevent intrusions and alterations within this district that would be incompatible with this established character.
- (b) Maintain and enhance the distinctive character of the properties in the Downtown by safeguarding the architectural integrity of the various period structures.
- (c) Provide for a means of design review for other aspects of community development within the Downtown area that will be of any assistance in achieving a more pleasing environment for the residents of and visitors to the City, as well as prospective businesses and developers.

(Ord. 98-197. Passed 8-10-98.)

1359.03 DEFINITIONS.

Terms herein follow definitions as established in Chapter 1161 as applicable. The following definitions shall apply only to the provisions of the Downtown Design Review Regulations:

- ~~(a) "Alter" or "alteration" means any material change in the external architectural features of any property which lies within the Downtown Design Review District, including landscaping of real property and demolition as defined herein.~~
- (ba) "Applicant" means any owner, owners, person, persons, association, partnership, or corporation, including governmental bodies, who applies for a Certificate of Appropriateness in order to undertake any change on property subject to this chapter.
- ~~(c) "Change" means any exterior alteration, removal, or construction involving any property subject to the provisions of this chapter including signs.~~
- ~~(d) "Demolition" shall mean the removal of a building or portion of a building which shall result in exposing a structure or a portion of a structure which was not designed or intended to be an exterior facade.~~
- (eb) "Property" means any place, building, structure, work of art, fixture, or similar object, but shall not include real property unless expressly provided.

(fc) "Landscaping" means only such major landscaping work that is to be on open tracts of land, parking lots, streets, alleys, and other large open areas, but not including the planting or arrangement of flowers and plants incidental to the enhancement of single properties.

~~(g) "Member" means any member of the Review Committee.~~

(hd) "Owner" means the owner or owners of record.

~~(i) "Review Committee" means the Downtown Design Review Committee established under the provisions of these Codified Ordinances.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

1359.04 DOWNTOWN DESIGN REVIEW DISTRICT BOUNDARIES.

The Downtown Design Review District boundaries are Sandusky Bay on the north, Hancock Street on the east, Washington Street on the south, and Decatur Street on the west. All properties within such boundaries and all properties fronting on the opposite side of Washington, Decatur, and Hancock Streets are subject to the regulations of this chapter.

~~(Ord. 98-197. Passed 8-10-98.)~~

~~**1359.05 MEMBERS; TERMS; COMPENSATION.**~~

~~—The Downtown Design Review Committee, hereinafter referred to as the Review Committee, shall consist of three to six members. One member shall always be a member of the Planning Commission. The remaining members shall be recommended to the City Commission for appointment to the Review Committee by the Community Development Department. The following membership requirements are:~~

~~(a) All members shall be residents of Erie County and at least three shall reside in the City.~~

~~(b) Of the membership, at least one member shall be a professional qualified in the field of architecture, planning, law, history, design, or art.~~

~~(c) At least one member shall be a property owner and/or business owner/manager located within the District.~~

~~(d) Each member shall serve a term of three years.~~

~~(e) The members shall serve without compensation from the City and may be removed for just cause by the City Commission.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

~~**1359.056 ORGANIZATION, RULES, AND DESIGN GUIDELINES.**~~

~~—The Community Development Department shall assist the Review Committee with the development of rules of procedure for its special meetings, as called by the Community Development Department. Before the adoption of such rules of procedure, such rules shall be submitted to the Planning Commission for review and approval.~~

The Review Process will ~~continue to~~ use the Secretary of the Interior's Standards for Rehabilitation, Title 38 of the Code of Federal Regulations, Part 1208,

and ~~other~~ guidelines as **recommended for adoption by the Landmark Commission and formally adopted by the City Commission.** ~~may be appropriate. Any additional guidelines shall be submitted to the Planning Commission for their approval.~~
(Ord. ~~98-197~~. Passed ~~8-10-98~~.)

1359.067 DUTIES OF THE ~~REVIEW COMMITTEE~~ LANDMARK COMMISSION FOR DOWNTOWN DESIGN REVIEW.

~~The Review Committee shall meet~~ **Downtown Design Review cases**, as necessary, **shall be reviewed as agenda items** at ~~special meetings~~ **regularly scheduled Landmark Commission meetings**, as **determined** ~~called~~ by the Community Development Department. **The role of the Landmark Commission in these cases is** to act as an advisory committee to the Community Development Department regarding problems concerning applications for Certificates of Appropriateness.
(Ord. ~~98-197~~. Passed ~~8-10-98~~.)

1359.078 LIMITATIONS ON ISSUANCE OF BUILDING PERMITS, SIGN PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE.

No permits which require a Certificate of Appropriateness shall be issued through otherwise established procedures, under the Zoning Code or Building Code, within the Downtown Design Review District, except in cases coming under Section 1359.134, unless the application for such permit is approved by the Community Development Department through issuance of a Certificate of Appropriateness in the manner prescribed herein.

No sign permit shall be issued by the Community Development Department or through otherwise established procedures for any sign to be erected or placed within the Downtown Design Review District unless a Certificate of Appropriateness has been issued for that sign in the manner prescribed herein.
(Ord. 98-197. Passed 8-10-98.)

1359.089 ISSUANCE OF CERTIFICATES OF APPROPRIATENESS.

When the owner of a property within the Downtown Design Review District desires to make any change to the exterior of the property other than ordinary maintenance, and those changes involve construction, reconstruction, or alteration of any property, structure, tree, sign, area, or object within the District, including the changing of any exterior color or building material, such owner or his agent shall first secure a Certificate of Appropriateness from the Community Development Department, unless such property is exempt in accord with the exclusions permitted in Section 1359.134. Such exemptions shall be determined by the Community Development Department.

Applications for Certificates of Appropriateness shall be filed with the Community Development Department who shall, prior to issuance of any permits, review the application for compliance with the ~~Design Review Standards~~

preservation design guidelines as established in 1161.07(g). If the application is acceptable, the Director of the Community Development Department will approve the Certificate of Appropriateness within ~~five days~~ **a reasonable timeframe** of receipt of the application. If the application is not acceptable, the Community Development Department will work with the owner of the property to resolve the problem. If resolution of the problem cannot be achieved, ~~a special meeting of the Review Committee~~ **the items will be heard as part of the agenda of the next regularly scheduled Landmark Commission meeting.** ~~will be scheduled as soon as possible, but not later than thirty calendar days from the date of the original denial of the Certificate of Appropriateness.~~

Any changes agreed to by the ~~Review Committee~~ **Landmark Commission** and the owner shall be in accordance with the guidelines of the Design Review Process and once consensus is reached, the Director of the Community Development Department will approve the Certificate of Appropriateness with conditions or changes noted. A record of the Certificate of Appropriateness will remain on file in the Community Development Department.

~~(Ord. 98-197. Passed 8-10-98.)~~

1359.0910 CRITERIA FOR EVALUATING APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

- ~~(a)~~ In considering the appropriateness of any changes, including signs and tree removal, the Community Development Department shall **consider the following standards created by the U.S. Department of the Interior, including:**
- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;**
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;**
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;**
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;**
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;**
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual**

qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;

- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
- (9) New additions, exterior, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

~~take into account the historical and architectural value and significance, architectural style and general design, arrangement, texture, material, and color of the proposed change and the relation thereof to the same or related factors in other properties, objects, and areas in the immediate vicinity.~~

~~Attention shall be taken to avoid the environmentally harmful effect often created by the clash of disguised contemporary materials with those of older origin, such as aluminum or other metals, plastics, fiberglass, and glass improperly used with brick, stone, masonry, and wood.~~

~~The Community Development Department shall favor the use of authentic and traditional earth colors and trim colors as opposed to colors of contemporary origin.~~

- (b) In considering a demolition request the Community Development Department shall not be charged with the review of the appropriateness of demolition in lieu of renovation but shall review the site characteristics and impacts on adjacent buildings as the result of the demolition.

Attention shall be paid to the facades of the adjacent structures which may not have been designed to be exterior elements. It shall be the responsibility of the property owner doing the demolition to make arrangements with adjacent property owners to repair, renovate, or replace the facade treatment affected by the demolition in conformance with the requirements of subsection (a) hereof.

The Community Development Department shall also review each demolition for the impacts said act would have on the site and the proposed use of the site after demolition. The Community Development Department may require landscaping in conformance with Section 1359.101 or other such elements to ensure the property relates appropriately to the immediate vicinity.

(Ord. 98-197. Passed 8-10-98.)

1359.101 LIMITATIONS ON LANDSCAPING.

No landscaping, as defined in these Design Review Regulations, shall be performed in the Downtown Design Review District unless a Certificate of Appropriateness has first been issued.

(Ord. 98-197. Passed 8-10-98.)

1359.112 EXISTING SIGN LIMITATIONS.

Although signs which were in place prior to the passage of this chapter are not subject to review, if any business they relate to closes, the signs shall be removed within thirty calendar days of the last day of that business. The property owner is responsible for applying to the Community Development Department for a Certificate of Appropriateness for any subsequent treatment of that space unless it meets the exemptions as defined in Section 1359.134.

(Ord. 98-197. Passed 8-10-98.)

1359.123 CERTIFICATE OF APPROPRIATENESS REQUIRED FOR NEW SIGNS.

As has been provided under the provisions of this chapter, a Certificate of Appropriateness shall be obtained for any new sign an applicant wishes to erect or place within the Downtown Design Review District. The Certificate of Appropriateness shall be obtained prior to the issuance of any required sign permit by the Community Development Department.

(Ord. 98-197. Passed 8-10-98.)

1359.13 14 EXCLUSIONS.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property, area, or object within the Downtown Design Review District or otherwise listed under the provisions of this chapter, provided such work involves no change in material, design, texture, color, or outer appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, or alteration of any feature which in the view of the Community Development Department acting lawfully is required for the public safety because of an unsafe or dangerous condition.

(Ord. 98-197. Passed 8-10-98.)

1359.1415 INSPECTION AND ORDER FOR REMOVAL OF VIOLATION ENFORCEMENT, PENALTIES, AND APPEALS.

Enforcement, penalties, and appeals procedures shall follow those stated in Sections 1161.09 and 1161.10. ~~Either or both the Director of the Community Development Department or the Building Official or their designee is empowered to inspect, examine, and to order in writing the remedy of any condition found to exist in violation of any provision of this chapter. After an order to remedy such violation is served or posted on the premises, no work, except to correct the violation or comply with the order, shall proceed on any building or tract of land included in the violation. Compliance time for such violation is seventy two hours. (Ord. 98-197. Passed 8-10-98.)~~

~~1359.16 APPEAL FROM DECISION OF THE REVIEW COMMITTEE.~~

~~———— In the case of a denied Certificate of Appropriateness, the Review Committee shall attempt to work out an alternative plan with the owner or his agent that is acceptable to all parties. If the Review Committee and the owner are unable to work out an alternative plan, or if the owner does not wish to take this action, the owner may take the written decision of denial from the Review Committee and make an appeal to the Zoning Board of Appeals in accordance with Chapter 1111 of the Zoning Code. (Ord. 98-197. Passed 8-10-98.)~~

~~1359.99 PENALTY.~~

~~———— Whoever constructs, reconstructs, alters, or changes any exterior feature of any property, area, or object in violation of these Design Review Regulations, or whoever maintains, changes, or installs a sign in violation of these regulations, shall be deemed in violation of these Regulations and such violation shall be considered a misdemeanor of the third degree. Each and every day such violation is continued or permitted to exist without compliance shall constitute a separate violation, punishable upon conviction in the manner prescribed in this section. (Ord. 98-197. Passed 8-10-98.)~~

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHY MYERS
CLERK OF THE CITY COMMISSION

Passed: October 9, 2023 (effective after 30 days)